UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

DANIEL VILLEGAS,	§	
	§	
Plaintiff,	§	
v.	§	
	§	
CITY OF EL PASO, ALFONSO	§	
MARQUEZ, CARLOS ORTEGA,	§	EP-15-CV-00386-DCG
SCOTT GRAVES, KEMMITT	§	
BELLOWS, EARL ARBOGAST,	§	
HECTOR LOYA, RAY SANCHEZ, and	§	
UNKNOWN EMPLOYEES OF THE	§	
CITY OF EL PASO,	§	
	§	
Defendants.	§	

ORDER LIFTING STAY & REQUIRING PARTIES TO FILE A PROPOSED SCHEDULING ORDER AND A JOINT REPORT

On this day, the Court *sua sponte* considered the above-captioned cause. On February 17, 2021, the Fifth Circuit affirmed the Honorable District Judge Frank Montalvo's ruling on Defendants' motion to dismiss. *See* ECF No. 204 (affirming "Order Granting in Part and Denying in Part Motions to Dismiss" (ECF No. 188)).

Accordingly, IT IS ORDERED that the stay on this matter SHALL be LIFTED.¹

IT IS FURTHER ORDERED THAT all parties shall confer, as required by Federal Rule of Civil Procedure 26(f) and Local Court Rule CV-16(c), and file a Joint Report outlining their discovery plan² and a proposed scheduling order³ for the Court's consideration by **April 19**, **2021**. In the Joint Report, the parties must additionally indicate:

¹ See Order Regarding Stay of Discovery and Deadline to Answer, ECF No. 199.

² Federal Rule of Civil Procedure 26(f) also requires the parties to submit to the Court a written report outlining their discovery plan within 14 days of the conference.

- 1. Whether any party has demanded or demands a trial by jury;⁴
- 2. Whether or not the parties consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, order the entry of a final judgment, and conduct all post-judgment proceedings;⁵ and
- 3. In the event the plaintiff has not yet obtained service on all defendants, a statement by the plaintiff explaining why all parties have not been served.

So ORDERED and SIGNED this 18th day of March 2021.

DAVID (J. GUADERRAMA)

UNITED STATES DISTRICT JUDGE

³ Local Court Rule CV-16(c) states that the parties shall confer and "the parties shall submit a proposed scheduling order to the Court in the form [set out in Appendix B]" of the Local Rules.

⁴ See Fed. R. Civ. P. 38, 39(b), 81(c)(3).

⁵ Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the lawsuit. Because of the crowded condition of the criminal docket in this Division and the difficulty in reaching civil cases for trial, you may wish to consent to trial by a United States Magistrate Judge.

If a party wishes to consent to trial before a Magistrate Judge, it must notify the Court by traditionally filing the notice of consent as soon as possible. The consent to trial by a Magistrate Judge must be voluntary, and the party is free to withhold consent without suffering adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, the Court will enter an order transferring the case to a Magistrate Judge for trial and for entry of judgment. If the case has already been referred to a Magistrate Judge for pretrial matters and the parties consent to trial by a Magistrate Judge, the trial will be before the Magistrate Judge already assigned to the case.